

TITLE 18

ARTICLE X – BUSINESS LICENSES

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18.10.01: PURPOSE.

The purpose of the Business License is to provide an additional protection to the citizens and visitors of the City of Sturgis from fraud and misrepresentation; to ensure compliance with City ordinances; to administer proper land use, quality development and zoning in accordance with the Comprehensive Plan and to provide a database to define and monitor the progress of the local economy.

18.10.02: DEFINITIONS.

“BUSINESS” Means any activity, trade, calling, profession, or occupation, whether sole proprietorship, partnership, corporation, limited liability company or other recognized entity, which regularly provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of Sturgis. Business includes “home occupations” which involve the sale of goods or services as described in this definition.

A. “Permanent Business” means a business use which occurs for a period equal to or greater than five (5) months from January 1 thru December 31 of the current year in which

the license is being applied for at a fixed location within the City of Sturgis. A "Permanent Business" may erect and utilize one Temporary Structure for their business operations from May through September each year.

B. "Temporary Business" means a temporary business use that occurs for a period less than five (5) months from January 1 thru December 31 of the current year in which the license is being applied for, even though the licensee may have a permanent or fixed location within the City of Sturgis.

C. "Business Establishment" means a permanent business operating and open to the public at a fixed location within the City of Sturgis, and that is in compliance with Title 18- City of Sturgis Zoning Ordinance and Title 2- City of Sturgis Contractor's Licensing and Construction Regulations.

"Person" means any person, firm, corporation, association, partnership, venture, society, club, association, organization, or group of individuals carrying on business within the corporate boundaries of the city of Sturgis.

"Event" An organized occurrence or happening lasting four (4) or more consecutive days or where the City provides extraordinary services, including but not limited to sanitation services, law enforcement or traffic control.

18.10.03: License Required.

No person, whether subject to the payment of tax or not, shall engage in any business within the city limits without first obtaining and being a holder of a valid and current business license pursuant to the provisions of this chapter.

18.10.04: Application-Issuance of Business License.

A. Application for a permanent business or temporary business license shall be made on the application form provided by the City of Sturgis and submitted to the City of Sturgis Finance Officer.

B. The business license application shall include all of the following information and such other information as the City deems reasonably necessary:

1. Name of Business
2. Name of applicant and relation to business location(s).
3. Complete street and mailing address of business location.
4. A brief description of the nature of the business.
5. Type of business entity. If the business is a corporation or limited liability company, the state where formed and the statutory agent's name and address.
6. A list of any chemicals or hazardous materials or hazardous waste which will be used or stored by the business.
7. List of Officers/owners/managers of the business and their contact information.

8. Number of employees both full time and part time.
9. Name and telephone number for the individual(s) who can be called in case of an emergency. This should be a telephone number that will be answered twenty-four (24) hours a day.
10. State or local sales tax identification number.
11. If the business specified in this title is subject to a health or sanitary certification, the applicant shall produce such certificate or permit as part of the application.

C. The City Finance Officer, prior to issuance of a business license to any applicant, shall, with the assistance of the Community Development Department, determine that the location of the business as submitted by the applicant, is properly zoned for the conduct of the business for which the license is sought; provided, however that it is the duty of the applicant to assure that the location of the proposed business complies with all the zoning and all other ordinances of the city, in the event that it fails to so comply, any license issued, granted or approved by the city shall be null and void, and the city shall not be liable for loss, claim or damages whatsoever by reason of the applicant or the business for which a license was issued failing to comply with said ordinances, and regardless of whether a business license was in fact issued.

D. After receipt of a completed application and the license fee, the city finance officer shall review the application and, except as otherwise provided, issue or deny the license within 5 working days after receipt of the completed application.

E. Nothing in this chapter shall prevent the City Finance Officer or other city official from requiring the applicant to provide any information necessary to ascertain whether the application is, or will be, in compliance with all city ordinances or state laws.

18.10.05: Fee/ Term.

A. Fee: Unless otherwise provided by this chapter, the required license fee for a Permanent Business License shall be \$25.00 per year, which is nonrefundable, whether or not the application is later denied.

B. All Temporary Businesses as defined in this Chapter, the required license fee for a Temporary Business License shall be \$600.00 per year not including the Rally Period, which is nonrefundable, whether or not the application is later denied. Temporary Vending licenses and Fees during the Rally period shall be governed separately by Title 31.02.03.

C. Term: Unless otherwise provided by this chapter, all licenses shall be for a period of one calendar year, beginning January 1st of each year and expiring the following December 31st.

D. Upon receipt of a written statement attesting to the loss, theft or destruction of an otherwise valid license, the Finance Officer shall reissue a license for the duration of the original license term upon receipt of a \$10.00 fee.

18.10.06: Denial/ Revocation.

A. Compliance with any other code and zoning provisions. The City Finance Officer shall not issue a City business license, and any license so issued shall be void and subject to immediate revocation by the city, to any person, firm or entity which operates or proposes to operate or conduct any business in violation of any city ordinance or State and Federal Laws. In addition, the City Finance Officer may deny any application for a business license where the applicant is not in compliance with all city ordinances or state statutes, as now or later amended.

30.01.07: Denial- Applicant right to appeal.

Any applicant denied a license by the City Finance Officer under this Chapter shall be entitled to have said decision reviewed by the City Manager. If after review the said person is unsatisfied, he or she may appeal the decision to the City Council. The process shall be as follows:

An aggrieved person shall first file a written request for review with the City Finance Officer setting forth the basis for which he or she believes the City Finance Officer's decision to be in error. The writing shall also include the person's name and mailing address.

Upon receipt of a written request for review, the City Finance Officer shall review his or her decision and mail a written response to the aggrieved person within twenty (20) days.

If the aggrieved person is not satisfied with the decision of the City Finance Officer following review, he or she may file a notice of appeal with the Finance Office. There shall be a one hundred dollar (\$100.00) fee assessed for filing an appeal, which shall be paid to the Finance Office at the time of filing the notice of appeal.

Upon receipt of a notice of appeal, the Finance Officer shall notify the City manager.

After notification of the City Manager by the Finance Officer, the Appeal shall follow the Appeal provision of Title 36, Code Enforcement.

18.10.08: Posting – Inspection.

A business license shall be conspicuously posted at the business for which it was issued, and shall be produced for inspection upon the request of any authorized city official; provided, however, that when the licensee has no permanent place of business, such person must either carry or attach and conspicuously display the license on any personal

property which is an integral part of the business, and must produce the license for inspection upon request of any authorized city official.

18.10.09: Change of Location.

A business that possesses a current business license shall notify the City of Sturgis Finance Officer in writing of any change of address within ten (10) days of the change of address. There will be no fee associated with a change of address if the change occurs between January 1 and December 31, of the current year the business license is valid for.

18.10.10: Transfer.

No license issued under the provisions of this Chapter shall be transferable or assignable; provided, that in the event of death of licensee, the surviving spouse, estate, or heir may operate the business under the existing license for the remaining term of the license. In the event of the sale, transfer, conveyance or gift of a business, the new owner shall be required to apply for and obtain a license for the duration of the license period, prior to commencing to conduct business in the city.

18.10.11: Prohibited Business Locations.

No person shall conduct business within the City of Sturgis in any structure or area where conducting such business is prohibited by law, by the City of Sturgis Zoning Ordinance, by applicable building code or applicable fire code. No business as defined in Section 18.10.02 shall use any location within the public Right-of-Way or in areas of the sight triangle that are determined to be a safety concern.

18.10.12: Exemptions.

A business license shall not be required when:

- A.** A garage or yard sale, providing that it does not last longer than 48 hours in any 30 consecutive day time period.
- B.** Federal or State law precludes requiring a business license for the business.
- C.** The activity is regulated by the requirements of Chapter 31.02 for vendor, solicitor, temporary merchants or special “events” as set forth in this Title.

18.10.13: Multiple Businesses.

Any person engaged in two (2) or more separate businesses operating at the same physical location and which are under the same ownership, shall be required to obtain one

license for the main permanent business and all subsequent business's at that location, but shall only be charged one (1) license fee.

18.10.14: Same Business-Multiple Locations.

Any person conducting the same business at two (2) or more permanent locations shall be required to obtain a separate license for each place of business; the fee for each additional license shall be \$10.00 per license year.

18.10.15: Penalty.

Any violation of the provisions of this Title is a Class 2 Misdemeanor punishable by a maximum fine of four hundred dollars (\$400.00) and/or incarceration in the County jail for a period not to exceed thirty (30) days. In lieu of a Class 2 Misdemeanor any violation of this Title shall be subject to Title 36 Code Enforcement at the option of the City.

In addition, any person holding a license under this Title who is found to be in violation of any provisions of this Title shall face the possibility of revocation or non-renewal of any license.